

UNITED STATES PATENT AND TRADEMARK OFFICE

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**NOV 8 2002**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DAVID M. HORNE

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Application 09/002,747

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on October 22, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed November 30, 1999 (Paper No. 5). It is not apparent from the record that the examiner considered the statement submitted nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application 09/315,411

In addition, claim 11 is missing from the appendix of the Appeal Brief filed August 16, 2002 (Paper No. 17). Appropriate correction is required.

Accordingly, it is

**ORDERED** that the application is remanded to the Examiner for: 1) consideration of the Information Disclosure Statement filed November 30, 1999 (Paper No. ~~5~~1); 2) the filing of a Supplemental Appeal Brief or a Supplemental Examiner's Answer setting forth claim 11, and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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